

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT BELLON,

Petitioner,

vs.

DWIGHT NEVEN,

Respondent.

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2:12-cv-01639-PMP-GWF

ORDER

This is an action on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner, appearing without counsel, has filed a response to the Court's order directing him to offer evidence and arguments why his petition should not be dismissed as untimely. ECF No. 8. Based on a preliminary review of those arguments and the petition which has been filed, along with the Court's need to obtain a full and fair understanding of the issues and circumstances related to the timeliness of the petition, the Court has determined to reconsider its previous denial of petitioner's Motion for Appointment of Counsel. ECF No. 4.

Therefore, the Federal Public Defender for the District of Nevada (FPD) shall be appointed to represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other reason, then alternate counsel for petitioner shall be located, and the Court will enter a separate order appointing such alternate counsel. In either case, counsel will represent petitioner in all future federal proceedings relating to this matter (including subsequent actions) and appeals therefrom, unless allowed to withdraw.

1 Initially, the FPD or alternate counsel, is directed to file with the Court an initial status report as
2 to the state court proceedings petitioner has identified and to provide arguments in support of equitable
3 tolling of the statute of limitations which appears to have expired before petitioner initiated this action,
4 or to provide evidence that the statute of limitations has not, in fact, expired.

5 Once the issue of timeliness is resolved, the Court will enter an order concerning the filing of
6 an amended petition.

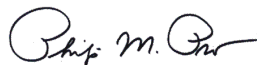
7 **IT IS THEREFORE ORDERED** that the Federal Public Defender is appointed to represent
8 Petitioner.

9 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the Federal
10 Public Defender for the District of Nevada (FPD) a copy of this Order, a copy of the Order entered on
11 January 15, 2013 (ECF No. 6), together with a copy of the petition for writ of habeas corpus and its
12 attachments (ECF No. 7). The FPD shall have thirty (30) days from the date of entry of this Order to
13 file a notice of appearance or to indicate to the Court its inability to represent petitioner in these
14 proceedings.

15 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case,
16 petitioner, through counsel, shall, within sixty days of the notice of appearance, respond to the Order of
17 January 15, 2013, including a status report on any state court proceedings.

18 **IT IS FURTHER ORDERED** that respondents shall have twenty (20) days thereafter to file
19 any response to the petitioner's arguments and status report. Any reply shall be filed within fifteen (15)
20 days thereafter.

21 Dated, this 22nd day of January, 2013.

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25 UNITED STATES DISTRICT JUDGE
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